

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC MONTANEZ,

Plaintiff,

vs.

**ERNESTO SALINAS, BRANDON
HULL, and AUSTIN MYERS,**

Defendants.

2:21-CV-11645-TGB-KGA

**ORDER ADOPTING REPORT
AND RECOMMENDATION
(ECF NO. 33)**

This matter is before the Court on Magistrate Judge Kimberly G. Altman’s November 16, 2023, Report and Recommendation (ECF No. 33), recommending that Defendants’ Motion for Summary Judgment (ECF No. 28) be granted, and that the case be dismissed.

The Court has reviewed Judge Altman’s Report and Recommendation and finds that it is well-reasoned and supported by the applicable law. The law provides that either party may serve and file written objections “[w]ithin fourteen days after being served with a copy” of the report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a “de novo determination of those portions of the report ... to which objection is made.” *Id.*

Where, as here, neither party has lodged objections to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will, therefore,

accept Judge Altman's Report and Recommendation of November 16, 2023, as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Judge Altman's Report and Recommendation of November 16, 2023, (ECF No. 33) is **ACCEPTED** and **ADOPTED**.

It is **FURTHER ORDERED** that the case is **DISMISSED WITH PREJUDICE**.

This is a final order that closes this case.

SO ORDERED this 19th day of December, 2023.

s/Terrence G. Berg

TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE